



8-28-08

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

In re Application of: Yin CHEN, *et al.* § Atty Dckt No: 17242/003004  
Serial No.: 10/574,254 § CRYA,025/PCT/US  
Filing Date: March 30, 2006 § Examiner: Nita Minnield  
Intl File Date: June 3, 2004 § Group Art Unit: 1645  
§ PCT No: PCT/US2004/017331

For: **NUCLEOTIDES FOR PREVENTION AND TREATMENT OF BACTERIAL AND FUNGAL PATHOLOGIES**

COMMISSIONER OF PATENTS  
P. O. BOX 1450  
ALEXANDRIA, VA 22313-1450

<b>CERTIFICATE OF MAILING (37 CFR 1.8a)</b>	
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as US EXPRESS MAIL in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
<u>Cindee R. Ewell</u> Name	<u>8-27-08</u> Date
EXPRESS Mail No: <u>EH 121105Z 4Z US</u>	

**RESPONSE TO OFFICIAL ACTION and RESTRICTION REQUIREMENT,**  
**dated June 27, 2008**

Dear Sir:

Applicant respectfully responds to the Official Action dated June 27, 2008 with an Amendment to the Claims, a traversal to the restriction requirement and a provisional election.

**(1) Extension of Time**

Applicant requests a one month extension of time. The Commissioner is hereby authorized to deduct the appropriate fee for a small entity from Deposit Account No: 50-3748 (CRYA,025/PCT/US) as required.

**(2) Restriction**

Applicant respectfully traverses the restriction requirement with respect to Groups I and II, as the vector derivative of Group I that carries random sequences is required for the method of screening as claimed by Group II claim 80. Applicant also traverses the restriction between Groups IV and V as Group V is a subset of Group IV and thereby traverses the Examiner's restriction requirement. In accordance with 37 CFR 1.143, Applicant herein makes a provisional election of the Group I claims for further prosecution in the current application, but reserves the right to prosecute all non-elected and withdrawn claims in related applications as appropriate, and requests rejoinder in the event the Group I claims are allowed.

**(3) Amendment to Claims – Group I**

Applicant requests entry of the attached amendments to claims 66-79, 81 and 83 of elected Group I, and withdrawal of claims 80, 82 and 84-88 of non-elected but traversed Groups II, III, IV and V, in accordance with 35 USC 121 and 372.

Should the Examiner have any questions regarding this submission, please contact the Attorney for Applicant as designated herein below.

Respectfully submitted,

Cindee R. Ewell  
Cindee R. Ewell  
Reg. No. 59363  
Customer Number: 58026

TEL: (713) 789-0070  
FAX: (713) 789-0702  
ATTORNEY FOR APPLICANT

Date: 8-27-08